

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD E. TRIPP,

Defendant.

4:22CR3025

ORDER

After reviewing the evaluation from Kirk A. B. Newring, Ph.D., (Filing No. 33), questioning Defendant, (Filing No. 36), and hearing defense counsel's assessment on this issue, the court finds Defendant has the cognitive ability, competence, and capacity to consult with counsel, understand the criminal proceedings, and participate with and assist counsel in the defense of this case.

IT IS ORDERED:

- 1) Defense counsel's oral motion to determine competency, (Filing No. 28), is granted, and the court finds the defendant is competent to stand trial.
- 2) The trial of this case is set to commence before John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on August 9, 2023, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) The government's expert witness disclosures as required under Rule 16 must be served on or before July 7, 2023, with any defense Rule 16 expert disclosures served on or before July 21, 2023, and any rebuttal opinions disclosed on or before July 28, 2023.
- 4) The time between May 25, 2023 and August 9, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the parties require

additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

May 25, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge